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THE BÜRGERMEISTER, GERMANY'S CHIEF MUNICIPAL MAGISTRATE

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The title *bürgermeister* first appears in German municipal history during the early part of the thirteenth century,¹ but the exact nature of the tasks imposed upon the official at this period still remains obscured in the darkness of the Middle Ages. We know that there were such officers, and we know something as to the method of their election, but very little as to the extent of their real power. Probably, however, as Von Maurer suggests, the *bürgermeister* had originally no other duty than that of presiding over the civic council,² a simple function, to which came later to be added a general oversight of current affairs and the enforcing of city ordinances.

Considerably more, however, may be learned as to the duties of this officer in the seventeenth century, when the franchise had become more and more restricted and the number of town officers much smaller, and when, partly as a result of this decrease and partly in consequence of the awakening industrial life of the period, there had come to be an increase in the importance of town officials, and naturally among the rest in that of the chief magistrate. The consent of the *bürgermeister* in all town transactions now appears necessary; and, with an ever-increasing number of requirements, it is now sometimes impossible to find suitable candidates for the office within the limits of the municipality. Accordingly strangers begin to be employed in the service, as we learn from the outcry which arose in Alt-Brandenburg in 1690, when complaint was made that too many outsiders were employed in the church, the schools, and the public service.³ That during this century the functions of the *bürgermeister* were of a varied character

¹ A. Zimmermann, *Versuch einer historischen Entwicklung der märkischen Städteverfassungen*, i, 90.

² G. L. von Maurer, *Geschichte der Städteverfassung in Deutschland*, i, 631.

³ Zimmermann, *Versuch einer historischen Entwicklung der märkischen Städteverfassungen*, iii, 12-13.

is shown by a list made out, in 1650, by Neustadt Eberwalde, in which the town set down, in general terms, the services expected from its chief magistrate. This document requires that he, together with the council, shall be diligent and shall consider how he may increase the town receipts—as for instance, through the abolition of unnecessary charges for food or travel, through repairs of mills, churches, schools, and parish buildings, as well as through the construction of sheepfolds, dairies and brickyards.⁴

Such were the petty cares which perplexed the bürgermeister of the seventeenth century. He had a general oversight, a sort of parental care, of his village; his consent was necessary for corporate action; and even at this early date he might be selected from outside the town limits. Bearing these facts in mind as we turn to our main subject of examination, the bürgermeister of today, we shall find his duties multiplied with the increasing complexity of his environment, and made exacting by the broadening scope of city government.

As in all European countries, the general council of the German municipality elects the local executive, which, throughout the empire, consists of an administrative board (the magistrat) with the bürgermeister at its head. The council itself is elected by the well-known “three-class system,” which gives to heavy taxpayers the selection of a majority of the council.⁵ In this way the conservative property owners, the men who have something to lose in case an improvident administration be installed, really elect and so ultimately control the council, which, as we have seen, elects the bürgermeister and the magistrat. This is the first point of importance to be observed—the power of the conservative element exercised in the election.

A further safeguard in the selection of the bürgermeister is the right of rejection reserved to the crown or its representatives. If the central government is displeased with the choice of the council, it may withhold its sanction and so annul the election. This veto power is so seldom exercised, however, that it acts chiefly as a deterrent force; but it has occasionally been brought into active service. In 1901, for

⁴ Zimmermann, *Versuch einer historischen Entwicklung der märkischen Städteverfassungen*, iii, 29.

⁵ For a discussion of this system, see R. C. Brooks on The Three Class System, in *Municipal Affairs*, iii, 396ff.

instance, Kaiser William, for purely personal reasons, it is said, prevented a certain candidate from becoming mayor of Berlin. In this election of *bürgermeister*, cities of over 10,000 inhabitants obtain the king's consent through the minister of the interior,⁶ smaller towns get the consent of the provincial government, but for towns of less than 2000 the assent of the *regierungs-präsident* is sufficient.

Clearly to understand the position of the *bürgermeister*, then, we must put aside any feelings of disapproval we may have in connection with the idea of a paternal central government, and any disposition to revolt against a suffrage distorted by property qualifications, and must take into account these two important checks which in a measure control his election—the three-class voting system and the necessary governmental approval of the choice.

The *bürgermeister's* salary ranges smaller than that of the American mayor in cities of corresponding size; but in making comparison one should bear in mind the lower cost of living which prevails throughout the German Empire.⁷ Leipzig, containing half a million inhabitants, employs two *bürgermeister*s, of whom Dr. Tröndlin, the *ober-bürgermeister*, receives a salary of 25,000m and serves for life, and Dr. Dittrich, his assistant, receives 18,000m, and also enjoys a life tenure. Boston, Massachusetts, with about the same population, pays its mayor \$10,000 and provides no assistant. Berlin pays its *ober-bürgermeister* 30,000m,⁸ New York, its mayor, \$15,000. This difference in compensation may be in part accounted for by the fact that in Germany considerable social prestige accompanies the office of *bürgermeister*. The universities, the technical schools, and the civil service furnish an abundant supply of trained material, and the salaries offered prove sufficiently tempting to secure men of real character and ability. That such qualities are essential to the proper administration of the German municipality will presently appear when we turn to consider the functions and power of this officer, who may in theory be simply an officer presiding over the executive council, but whose position is in practice much more important.

⁶ Walter Ledermann, *Die Städte-Ordnung*, 119.

⁷ For German cost of living, see W. J. Ashley, *Progress of the German Working Classes*, 24.

⁸ For the exact figures in all German cities, see Joseph Kürschner's *Handbuch*.

Although non-professional and unpaid members are to some extent admitted in the magistrat, the bürgermeister, as its president, finds himself for the most part associated with men familiar with every detail of local administration—with experts in finance, in education, in sanitary science, in public charity, as well as with lawyers and those skilled in forestry and park management. Over such a body the bürgermeister presides, summoning the meetings, deciding upon the order in which public business shall be considered, guiding and apparently almost completely controlling the discussion.⁹ To complete his oversight of the business of the board, he has also the right to suspend the execution of any ordinance in the passing of which he may think the magistrat has exceeded its authority, or which he may deem contrary to the welfare of the town, the right of final rejection being left to the government.¹⁰ Thus, taking all in all, the bürgermeister holds in his hands the reins which guide the magistrat; and since the magistrat has always remained legally the local executive, he more than anyone else controls the administration of the municipality. He is something more than the mere presiding officer whom one is apt to picture to one's self while reading such authors as Shaw and Fairlie, whose allusions to the office are infrequent and who hardly recognize the bürgermeister's power of guidance.

Besides controlling the magistrat as a body, the bürgermeister exercises an extensive power of direction over its individual members, as well as over local officials of every kind. There may no longer be any dairy and brickyard construction for him to supervise, but there are yet more important offices that require his attention. Every salaried member of the magistrat is chosen because of his special suitability for overseeing some public service. Take, for instance, the administration of relief for the city poor.¹¹ In no other country in the world is the dispensation of municipal charity so systematically and thoroughly organized, three thousand persons, most of them unpaid being directly employed in the distribution of outdoor and indoor relief in Berlin. This charity department, organized either under a

⁹ Ledermann, *Die Städte-Ordnung*, 511.

¹⁰ *Ibid.*, 326.

¹¹ For a detailed account of this charity, see M. Neefe, editor, *Statistisches Jahrbuch Deutscher Städte* (1901), 255.

commission or under the armen deputation (a committee of the magistrat), remains in either case under the surveillance of the bürgermeister; and this is true of the other departments of municipal activity. It is the bürgermeister who divides up the work of administration among the deputations in the first place. Then, having assigned to each its duties, "he must see that officers and members of the magistrat perform their tasks, and that complaints respecting their conduct come before him and not before the magistrat."¹² Such authority would of course prove impotent without adequate means of enforcement; and this the German code provides by giving the bürgermeister the right to inflict fines and, in case of grave misconduct, imprisonment.¹³ The delinquent usually receives first a warning, next an open rebuke, and then, in case of further neglect, the "geldbusse," or fine, is inflicted; if this proves ineffective, he may ultimately be removed. Now, unlike many similar officials in America, the bürgermeister does not possess the privilege of appointment; he does not choose the men who in fact, if not in theory, constitute his own subordinates. Nor can he alone remove or transfer a member of the magistrat. This task is accomplished through a superior official, the regierungs-präsident; but even here the bürgermeister has a strong influence, for when delay would involve danger he may, upon his own authority, suspend the culprit, provided that he communicate the fact to the magistrat.¹⁴

Thus it appears that the bürgermeister's power of enforcement and discipline is practically coextensive with his jurisdiction; he presides over the magistrat as a body, divides up its work among its members, and sees that the work is performed. So much for his authority and his relations with the magistrat as a body. Let us consider next his official relations with the individual members of the body and of the city government, relying for information chiefly on Ledermann's edition of the *Prussian Municipal Code*, which may be regarded as giving a fair generalization of the position occupied by the ordinary German bürgermeister, though it must of course be admitted that some bürgermeisters have somewhat more authority than others over the individuals who compose the administration.¹⁵

¹² Ledermann, *Die Städte-Ordnung*, 518.

¹³ *Ibid.*, 332.

¹⁴ *Ibid.*, 518.

¹⁵ See Josef Redlich, *Local Government in England*, i, 303-304.

It is the bürgermeister, as we have seen, who divides the work of administration among the members of the magistrat, who forms the working subcommittees or "deputations," and who fixes the work of each committee. In this way are formed in each city a board of public works and construction (bau deputation), a poor relief committee (armen deputation) and a police authority (polizei behorde), so far, at least, as such authority comes under city and not state control. Thus, since the bürgermeister may rearrange the committees or dismiss members,¹⁶ he virtually controls the activity of the magistrat, even though in the first instance he has no right of appointment to that body. This, at least, is a view which seems tenable to the writer.

Analogous to his power of arranging work in the magistrat is the presiding officer's right to settle questions of "order, rank, or dignity" within that body.¹⁷ If a dispute arises as to precedence, it is the bürgermeister who decides the point. Moreover, either the bürgermeister or the ober-bürgermeister¹⁸ has exclusive oversight of the members, as well as of other inferior officers, in the execution of their several functions; and of these officers and members he may command obedience in all matters within his jurisdiction.¹⁹

One fact tending greatly to enlarge the scope of the bürgermeister's power is his right to issue executive "instructions."²⁰ Unlike the assemblies of Anglo-Saxon communities, German legislative bodies, following the ordinary continental conception of the legislative sphere of action, seem content to enact laws laying down principles, but not details, of administration. These minor matters are left for later executive determination. It is, therefore, the duty of the bürgermeister, as the code puts it, not only to see to it that all things necessary to be considered by the magistrat and requiring its coöperation be brought to its notice in the first instance, and that nothing of importance be kept from it,²¹ but also, after action has been taken by that body, frequently to interpret and supplement its orders with his own orders.

¹⁶ Ledermann, *Die Städte-Ordnung*, 517.

¹⁷ *Ibid.*

¹⁸ Many of the larger cities maintain two or even three bürgermeisters, the highest bearing the title of ober-bürgermeister.

¹⁹ Ledermann, *Die Städte-Ordnung*, 516.

²⁰ *Ibid.*, 517.

²¹ *Ibid.*

These "instructions" may either be general—that is, applicable to all officers—or they may be directed to individual cases.

Again, the bürgermeister must not only see that the magistrat preserves the necessary cohesion and that it works for the good of the community,²² but he must also prevent the presentation of retarding or conflicting orders, and must take care that an "active spirit prevails throughout the service" (verwaltung).²³ It is his duty to look from time to time into the working of the several departments. He has oversight of the city treasury and its accounts, and of the management of local banks. He must see that their regular monthly and special annual investigations are held, and it is his privilege to require special audits (kassen-revisionen) for his personal use and enlightenment. He also has charge of any important or secret documents which may be kept in the Rathaus; and in some cities the bürgermeister, or some member of the magistrat representing him, presides over the tax commission.²⁴ Still another of his duties is to post the list of sheriffs and jurymen, and to divide the town into districts over which the shiedsmänner, or local arbitrators, preside. These officials act as mediators in minor matters, and thus prevent much litigation. They serve for three years, and, although they receive no pay,²⁵ are useful and esteemed allies of the administration.

The bürgermeister's responsibility in these and other respects is worthy of note. As the municipal code expresses it, he "conducts and inspects all of the city's administrative activities,"²⁶ a supervision which is rendered much more effective in Germany than is possible in any other country by reason of the long term of service enjoyed by the chief municipal magistrate there, twelve years being the minimum. In this time the bürgermeister becomes so familiar with his city that he knows it through and through; many of its institutions having grown up under his watchful eye, he regards them largely as his own creation and takes pride in their successful operation.

Outside of his position as chief administrator, the bürgermeister

²² Ledermann, *Die Städte-Ordnung*, 516.

²³ *Ibid.*, 517.

²⁴ When no government commissioner (staats kommissar) has been appointed. See *Ibid.*, 386.

²⁵ *Ibid.*, 388.

²⁶ Ledermann, *Die Städte-Ordnung*, 331.

may to some extent be regarded as an agent of the central government and always as the official representative of the municipal corporation of which he is the head. At public ceremonies of a local character he seems to be the person most fitted to preside; and he may also become the city's legal as well as its purely official head, his oath taken in behalf of the city corporate being binding on the town.²⁷ When no officer of the central government is put in charge of the police, the bürgermeister assumes the control.²⁸ In this capacity he retains, first, the management of the local police, the most important branch of the police service; secondly, he must give assistance to the detective force (*gerichtliche polizei*); and, thirdly, upon him devolves the enforcement of the ordinary police power of the state—that is, the maintenance of the health, morals, and well-being of the community. In a city of such size, however, that the imposition of police functions would lay too heavy a burden on the chief magistrate, the bürgermeister may share his task with an associate (*magistrats-mitglied*).

Inasmuch as such extensive powers as these must inevitably, if pursued for unwise or corrupt ends, bring about an intolerable state of public affairs, means may be invoked, both administrative and judicial, for restraining the bürgermeister's activities. Before he assumes his duties, he first receives the oath of office²⁹ from the *regierungs-präsident*, who later may impose punishment on either the bürgermeister or the members of the *magistrat*. Within two weeks from such sentence, however, an appeal can be taken to the *oberpräsident*, with right of further appeal either to the chief administrative court (*oberwaltungsgericht*)³⁰ or to a special commission.³¹

Still another point from which the position of bürgermeister may be viewed appears in the fact that in Germany, as in no other country in the world, municipalities have secured the control of the public service, a circumstance which makes it doubly important that there should be a wise guidance of the local administration, and which must be constantly borne in mind by Americans if they are fully to understand the

²⁷ Ledermann, *Die Städte-Ordnung*, 44.

²⁸ *Ibid.*, 366.

²⁹ *Ibid.*, 122.

³⁰ *Ibid.*, 481.

³¹ *Ibid.*, 421.

duties of the German official. Berlin's municipal activities include the maintenance of city abattoirs and cattle markets, which are now to be found quite frequently in Germany; also the care of lodging-houses, work-houses, municipal farms, city savings-banks—a venerable institution in Germany—and municipal fire insurance. Some cities maintain cemeteries, where lots are leased for a period of twenty years or so, and where the fee for burial varies from \$0.75 to \$7.50, according to the property of the deceased. In some cases the city provides the funeral also.³²

Organized relief of the poor is also, as is well known, so firmly believed in by the Germans, that it is made one of their city activities. Every important German city has a distinct municipal charity organization, embracing both a central committee headed by a member of the magistrat and many local committees. In Berlin there are about 250 of these local committees, each consisting of from five to twelve members.

In the matter of insurance, too, the German city interests itself. Private insurance societies are in every way encouraged by the government, but at the same time they are carefully registered and supervised. Some twenty years ago municipal insurance began to be developed, and now insurance against the helplessness of old age is made compulsory on workingmen. For their benefit also there has been established a municipal savings bank, which in Berlin has 75 or more receiving offices and over 400,000 depositors. In Dresden 200,000 deposit books are outstanding.

These instances of civic enterprise are enough to show the wide field of municipal activity over which the *bürgermeister* and his colleagues of today preside. Some of the other matters with which the German cities concern themselves may be seen in the following table, printed by Dr. M. Neefe, in his edition of the *Statistisches Jahrbuch deutschen Städte* (1902):

³² James, *Municipal Administration in Germany as seen in the Government of a Typical Prussian City*, Halle a/S., 91.

NAME OF CITY.	GAS PLANTS 1899-1900.		PUBLIC BATHS 1899-1900.		MUNICIPAL THEATRES. §	
	Public.	Non- public.	Warm.	Cold.	Operated by city.	Leased.
Berlin.....	4		3	9	*	*
Hamburg.....	3		4	6		
Leipzig.....	2	5	4	3†	1	1
München.....	2	3	9	3‡		
Breslau.....	3		2		1	
Dresden.....	2	4	1	5		
Köln.....	1	2	2	1		
Frankfurt a/M.....	2		2		1	1
Hanover.....	*	*	3	1		
Magdeburg.....	1	1	3		1	
Düsseldorf.....	1		2	1	1	
Königsberg.....	1		1	3		

*Not given. †Two are leased. ‡Also military swimming baths. §In 52 cities there are 199 theatres, 30 owned by 28 cities.

Having mentioned the several functions of the bürgermeister, let us now consider the character and the records of the men chosen to fill this position, and the method of their appointment. Taking the last point first, and imagining the general council newly elected and ready to attack the problem, we shall note at once the conservative influence of its constituency. A salary such as the municipality can afford is first fixed upon, and then honest and painstaking effort is made to secure the ablest officer obtainable for that salary, and this irrespective of his home or party; for the national party organizations do not reach down into municipal life, and, as we have seen, the German people early outgrew the feeling that bürgerers alone should be bürgermeisters. On the contrary, it is customary for the rath to advertize the fact that a vacancy exists. This is usually done through the press.³³ That the candidate accepted will, in the main, prove himself a man of ability,

³³ The following advertisement is taken from the *Deutsche Gemeinde-Zeitung* of Berlin, July 21, 1906:

POSITION OF BÜRGERMEISTER VACANT

In consequence of the pensioning of the former incumbent, the position of *First Bürgermeister*, in our city, must again be filled—that is, between October 1 and January 1, 1907.

The salary, which entitles the recipient to a pension conditionally upon the consent

education, and experience may be shown by an examination of the official records of a number of Germany's bürgermeisters; and this happy result may be accounted for by the fact that able and well-trained men naturally seek a position which carries with it social elevation—as do all the official stations in the empire—especially when such distinction is combined with long official tenure, and at least a reasonable, if not a large, compensation. The salary varies of course with the size and wealth of the city. Dr. Adickes of Frankfurt, for instance, receives 30,000m, plus some additional perquisites;³⁴ and the town of Halle with its 150,000 inhabitants pays its bürgermeister 10,000m, with the addition of 1500m for expenses.³⁵ The bürgermeister usually receives either a twelve-year term or life service. If the former, he is almost always reappointed; for, if the council does not keep him in office, it is compelled to grant him a retiring pension.³⁶

In the character of the men chosen and in their fitness for office, Germany surely compares favorably with other nations, an opinion which is confirmed by the record of Dr. Bender of Breslau, for example. He was born at Königsberg, and after finishing his course at the university in his native town, went to Jena to study. In 1870, at the age of twenty-two, he entered the Franco-Prussian war, and after its termination, in 1878, was made judge of the local court (kreisricht) in Marggrabow. In the same year he became a member of the stadtrat in

of the district committee, amounts to 7500 marks, rising after 3 years to 8000 marks, after 6 years to 8500 marks, and after 9 years to 9000 marks.

Candidate must possess experience as a judge or in some branch of important administrative service, and must have proved himself successful in the local service.

Account of Previous Service is not Without Weight.

Information including career and testimonials may, up to September 1, be presented to the undersigned.

Personal application is not, for the present, desired.

Rathenow

July 16, 1906.

By Town Appointment, the Director.

C. HEIDEPRIEM.

³⁴ Joseph Kürschner, editor, *Handbuch des Reiches und der Einzelstaaten* (1906), 1115.

³⁵ Edmund J. James, *Municipal Administration in Germany as seen in the Government of a Typical Prussian City, Halle a/S.*, 13, note.

³⁶ Ledermann, *Die Städte-Ordnung*, 418. The pension amounts to one-quarter of the salary for 6 years' service, one-half for 12 years, and two-thirds for 24.

Thorn (West Prussia), and after two years of service was appointed bürgermeister there. In 1891 Breslau chose him its ober-bürgermeister. Dr. Bender is a member of the Prussian Herrenhaus, and holds also the honorary position of Ehrenbürger of Thorn. He has also written several books.

One of the most famous German bürgermeisters is Dr. Kirschner, under whose guidance Berlin, although the most rapidly growing city in the world, continues to be one of the best administered. Dr. Kirschner was born at Freiburg (Silesia), and after completing his education, which included studies at the universities of Breslau, Berlin, and Heidelberg, he served until 1872 on various minor judicial bodies. In this year he became local judge (kreisrichter) in the town of Bromberg, and the next year entered the stadtrat of Breslau, where after six years of service in this body, the city made him its attorney (syndicus). In 1893, Berlin, influenced by Dr. Kirschner's able service in the neighboring city, offered to him the position of bürgermeister, from which he was in 1899 promoted to that of ober-bürgermeister.³⁷

Dr. Tröndlin, at present ober-bürgermeister of Leipzig, may be cited as an instance of one who has received "honor in his own country." Born in Leipzig, he studied at the university in that city, and also at Heidelberg and Berlin, till 1865, when he returned to begin the practice of law at Leipzig. In 1870 he entered the public service of the city, which in 1876 made him bürgermeister for six years, and in 1882 for life. In 1899 it bestowed on him the highest honor in its power, the position of ober-bürgermeister.

Dr. Adickes of Frankfurt on the Main, one of the best known Germans, began his career in the Franco-Prussian war. He has since become a municipal administrator, serving as bürgermeister at Dortmund, Altona, and Frankfurt, and, like Kirschner and Tröndlin, has added inestimably to the efficiency of the municipal administration.³⁸

In closing I desire to commend to the reader the view of one M. Pyfferoen, who in his treatise on *Berlin and its Administrative Institutions*, remarks:

"The magistrat administers local affairs without restraint (librement) except where the law expressly places such matters within the com-

³⁷ For this and following records, see H. A. L. Degener, *Wer ist's?* (1905).

³⁸ See bottom of next page.

petence of the council. It is still more free when it acts as representative of the central authority, or when powers are delegated to it by the government, for here its mission absolutely escapes all supervision of the council. * * * Apart from the one or the other body, the one who really governs the city is the ober-bürgermeister, so called in distinction from his assistant or representative, who holds the title of bürgermeister. The police excepted, he holds in his hands the reins of the whole administration. He is the superior in the hierarchy, above all officers and employees in the city, either elective or non-elective, and exercises over them discipline, enforcing his authority by the penalties which he may inflict. He presides over the magistrat, he names those who are to report (rapporteurs) on questions to be discussed, and the members of the commissions. He may, in case of need, substitute himself for the magistrat and use his own authority on urgent matters. With sanction from higher authorities, he may quash the decisions of the council or magistrat on ground of incompetence, when they violate law or equity or when they are contrary to the welfare of the state or the interests of the locality.

"This officer, so powerful, is chosen by the city council, but it should

³⁸ City.	Name and professional degree.	Term years.	Salary marks.	Previous service and university training.
Berlin 2,033,900	Kirschner M.D.	12	30,000	Has served at Bromberg and Breslau; also as recorder and bürgermeister of Berlin. Universities of Breslau, Berlin and Heidelberg.
	Reiche Dr. jur.	12	18,000	Poor relief officer, and author. Universities of Königsberg and Leipzig.
Hamburg 800,582	Mönckeberg Dr. jur.	1		Lawyer and senator. Universities of Heidelberg and Göttingen.
Leipzig 501,200	Tröndlin Dr. jur.	life	25,000 and other perquisites	Lawyer; member of council and bürgermeister. Universities of Leipzig, Berlin and Heidelberg.
Breslau 470,000	Bender Ph.D.	12	25,000	In Franco-Prussian war; judge; town councillor and bürgermeister of Thorn (West Prussia); author. Universities of Jena and Königsberg.
Dresden 514,638	Beutler	life	20,000	Of distinguished ancestry; bürgermeister of Meerane, also of Freiburg (Schlesien); city treasurer and poor relief officer. University of Leipzig.
Frankfurt a./M. 337,000	Adickes Dr. jur.	12	30,000 and perquisites	In Franco-Prussian war; bürgermeister of Dortmund, Altona; writes on law and politics. Universities of Göttingen, München, and Heidelberg.
Hanover 249,619	Tramm	life	17,000	Member of the Prussian Herrenhaus (house of lords).

be understood that the government reserves to itself the approval of the choice and this consent is by no means a vain formality.

"The second bürgermeister fulfils the functions of the ober-bürgermeister in case of disability of the latter. He enjoys the same rights and is held by the same obligations. In other respects he may be considered simply as a member of the magistrat; he assists in its services and has a voice in its deliberations."³⁹

From a governmental point of view, the German municipal policy occupies a place midway between two other systems, those of France and England. The English city is controlled by one elected council, to which the council itself adds members known as aldermen. Each important branch of city government has at its head a standing committee, which selects a permanent expert chief for the department. The mayor, who in no way differs from his colleagues, is elected by the council. He serves but a single year, his only important function being that of presiding officer and titular head of the corporation.⁴⁰ He has power to control neither executive nor legislative business. Apart from certain supervisory authority vested in the home secretary and the local government board, the voters control the council and the council the committees that carry on the city government.

In France we see the opposite extreme. The maire, elected by the council, assigns to his adjoints their several tasks and constantly supervises their action. His is the controlling spirit in the administration; for, whereas the council meets only four times a year, the executive corps holds frequent sessions. Moreover, the French maire occupies a dual position, not known in England and for the most part not in Germany. Not only is he the head of all communal life, but in his locality he represents the central power of the state. In this position he stands below the prefect and sub-prefect in the national administrative hierarchy, and sees that the general laws are executed within his commune. He is elected for a four-year term, serves without salary, and in case of negligence is liable to suspension by the prefect.

³⁹ Oscar Pyfferoen, *Berlin et ses institutions administratives*, 13.

⁴⁰ Albert Shaw, *Municipal Government in Continental Europe*, 315. See also Shaw's *Municipal Government in Great Britain*, 59, and W. R. Anson's *Law and Custom of the Constitution*, ii, 233.

The German *bürgermeister* has no such autocratic power as this French *maire*, backed as he is by the central government; nor can he be compared in any way with his much less forceful counterpart, the English mayor. Occupying a position between these two extremes, he has a part to play in German municipal life, a more important part than that of any other local official; he serves for many years, often for life; and, as official salaries go in Germany, he is well paid, and well deserves to be. He is a level-headed, well-trained, administrative expert, and often a man of national reputation.

In studying the German municipal system, one can not help asking whether it would bear transplanting over sea. In the United States, so far as I am aware, the board system has had a fair trial in but two cities, Washington, D. C., and Galveston, Texas; and in both places it has proved satisfactory.⁴¹ In spite of these two apparently successful attempts, however, it is far from probable that the German system would prove generally successful in America. For at least three centuries the lives of the German *bürger* and *bürgermeister* have reacted upon each other, and have developed civic conceptions entirely at variance with those prevalent in the New World. To choose a German magistrat by manhood suffrage would be to alter greatly its conservative character, which is, indeed, its greatest merit; and where in America may be found that class of administrative experts from which the *bürgermeisters* of the Old World are chosen? In other words, to transfer the institution from German soil and environment would be to alter its very nature, to change it beyond recognition.⁴²

⁴¹ A. R. Conkling, *City Government in the United States*, 22.

⁴² Yet the idea of municipal government by means of the board system is at present gaining ground in the United States. Agitation in Boston, Massachusetts, and in other eastern sections points in this direction, and recent legislation in Iowa seems to be an even stronger indication of the advance of the German system.